



06-02-04 A JAN D AC

Application Serial No.: 09/909,497

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bauerlein, Peter  
Title: NI/METAL HYDRIDE  
SECONDARY ELEMENT  
Appl. No.: 09/909,497  
Filing Date: 07/20/2001  
Examiner: Dah-Wei D. Yuan  
Art Unit: 1745  
Conf. No.: 4174  
Atty. Dkt. No.: 054821-0852 (formerly  
1201-01)

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EV 431583086 US (Express Mail Label Number)	06/01/04 (Date of Deposit)
Roberta A. Cooper (Printed Name)	
<i>Roberta A. Cooper</i> (Signature)	

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on October 3, 2003, which set a three-month period for response.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

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(1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of a Request for Continued Examination (RCE) pursuant to 37 C.F.R. § 1.114 is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

Check number 14090 in the amount of \$1,330.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date 6/1/04

By \_\_\_\_\_

  
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